REMARKS

Applicants note that any cancellations and/or amendments of claims made herein are made in order to further their business interests and the prosecution of the present application, yet without acquiescing to the Examiner's arguments, and while preserving the right to prosecute the canceled (or similar) claims in the future.

In the Office Action dated 11/3/06, the Examiner objected to the disclosure due to several typographical errors. The Applicants have amended the specification to correct the noted errors. As such, the objection should be withdrawn.

In the Office Action dated 11/3/06, the Examiner issued a number of rejections. Each of the rejections is discussed below.

I. The Claims are Supported by Written Description and are Enabled

The Examiner rejects Claims 1-8 and 21-22 as allegedly lacking written description and enablement (Office Action, pg. 2). In particular, the Examiner states "However, the predictable presence of the intact polypeptide in any sample is not described or supported by the specification...." (Office Action, pgs. 2-3). The Applicants respectfully disagree. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended Claim 1 to recite detection of specific nephroretinin polypeptides in tissue samples. As such, the Applicants submit that the specification teaches how to perform the claimed methods.

The Examiner further states "Applicant fails to specifically identify, and fails to provide antibodies specific for, any epitope of the polypeptide...." (Office Action, pg. 3). The applicants respectfully disagree. The claims, as amended, are directed towards the detection of specific polypeptide sequences. The specification, at paragraphs 215-219 and 231-243, teaches how to make and use antibodies against the claimed sequences. One skilled in the art would understand the nature of the invention and how to perform the claimed method in light of the guidance taught in the specification.

The Examiner additionally states "Moreover, applicant does not describe nor provide guidance for the performance of a gel free truncation test with a sample comprising polypeptide. The test as described (page 63) requires translation of nucleic

acid." (Office Action, pg. 3). The Applicants respectfully disagree. The specification provides, at paragraphs 213-214, a description of how to perform a gel free truncation test. The specification also describes NPHP4 variant nucleic acids (SEQ ID NOs: 5, 7, 9, 11, 13, 15, 17 and 19) as well as methods for translation of nucleic acids. As such, the Applicants submit that they are in possession of the claimed invention and that they have enabled the claimed methods. Accordingly, the rejection should be withdrawn.

II. The Claims are Definite

The Examiner rejects Claims 1-8 and 21-22 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite. Each of the Examiner's rejections is discussed in detail below.

The Examiner rejects Claim 1 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because the term "the presence or absence" lacks antecedent basis because "it is not clear what is encompassed by a nephroretinin polypeptide or variant thereof...." (Office Action, pg. 4). The Applicants respectfully disagree. As described above, Claim 1 has been amended to recite specific nephroretinin variants. As such, the Applicants submit that the meaning of the term is clear and respectfully request that the rejection be withdrawn.

The Examiner rejects Claims 8 and 21 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because "it is not clear what binding is compared to determine a difference...." (Office Action, pg. 5). The Applicants respectfully disagree. The specification describes in detail how differential antibody binding assays are performed (see above). The specification further describes the truncated regions of the claimed polypeptides by sequence. One of skill in the art would recognize, based on the present specification, how to perform the claimed methods. As such, the rejection should be withdrawn.

The Examiner rejects Claim 21 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because the "C-terminus or N-terminus lack antecedent basis..." (Office Action, pg. 5). The Applicants respectfully disagree. Nonetheless, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have amended

Claim 21 to recite "a C-terminal portion" and "a N-terminal portion" of nephrotenin. As such, the Applicants submit that the claim is definite and respectfully request that the rejection be withdrawn.

The Examiner rejects Claim 22 under 35 U.S.C. 112, second paragraph, as allegedly being indefinite because the "the use of a gel free truncation test to detect polypeptide in a sample is not clear...." (Office Action, pg. 5). The Applicants respectfully disagree. The specification, in paragraph 214, states

> "In the GFTT assay, a marker (*e.g.*, a fluorophore) is introduced to the nascent protein during translation near the N-terminus of the protein. A second and different marker (*e.g.*, a fluorophore with a different emission wavelength) is introduced to the nascent protein near the C-terminus of the protein."

As such, the assay can be used to detect a truncated protein. Accordingly, the Applicants submit that the claim is clear and respectfully request that the rejection be withdrawn.

III. The Claims are Novel

The Examiner rejects Claims 1 and 4-8 under 35 U.S.C. 102(a) as allegedly being anticipated by Mollet et al. (Nature Genet. 32:300 [2000]; hereinafter Mollet). The Applicants respectfully disagree and submit that Mollet is not prior art. The present application claims priority to provisional application serial number 60/406,001, filed 8/26/02. Mollet was published online on 9/9/02. The Examiner notes "Since the claimed invention is not enabled, as set forth above, the instant application is not entitled to a claim of priority to any earlier field applications." (Office Action, pg. 4). The Applicants respectfully disagree and submit that the presently claimed invention is enabled (See above). The Applicants are entitled to their priority claim as described above. As such, Mollet is not prior art and the rejection is moot.

CONCLUSION

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

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